



Service of Process Transmittal Summary

TO: Rebecca Thompson, Legal Svs Spclst
UnitedHealth Group Incorporated (111504190770700600)
9900 BREN RD E STE 300W
MINNETONKA, MN 55343-9693

RE: Process Served in Minnesota

FOR: United HealthCare Services, Inc. (200204190770700600) (Domestic State: MN)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: JAMES CLEMENT AND CORRINE CLEMENT, INDIVIDUALLY AND ON BEHALF OF THEIR MINOR CHILD, GRACE CLEMENT vs. LUMEN HEALTH CARE PLAN

CASE #: C20234497

NATURE OF ACTION: Insurance Litigation

PROCESS SERVED ON: C T Corporation System, Inc., Saint Paul, MN

DATE/METHOD OF SERVICE: By Traceable Mail on 12/26/2023

JURISDICTION SERVED: Minnesota

ACTION ITEMS: CT has purged the current log, Retain Date: 12/26/2023, Purge Date: 12/26/2023
Image SOP
Email Notification, Administrative Assistant legalmail@uhg.com

REGISTERED AGENT CONTACT: C T Corporation System, Inc.
1010 Dale Street N
Saint Paul, MN 55117
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

EXHIBIT
A



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RDC 99

U.S. POSTAGE PAID
FCM LG ENV
MONROE, LA 71203
DEC 20, 2023**\$9.73**

R2305K131729-75

RETURN RECEIPT
REQUESTED**D RANDOLPH STREET
LAW OFFICES OF STREET & STREET
508 N 31ST ST
MONROE LA 71201****TO:****UNITED HEALTHCARE SERVICES INC
CT CORPORATION SYSTEMS INC
1010 DALE ST N
ST PAUL MN ~~55117-5603~~**

55117-5603

Law Offices of
STREET & STREET

C. DANIEL STREET
D. RANDOLPH STREET

Attorneys-at-Law
508 North 31st Street
Monroe, Louisiana 71201

TELEPHONE: 318-325-4418
Fax: 318-322-7656

December 20, 2023

United Healthcare Services, Inc.
through its agent for service
CT Corporation Systems, Inc.
1010 Dale St. N.
St. Paul, MN 55517-5603

CERTIFIED MAIL, RETURN
RECEIPT REQUESTED

Re: James Clement and Corrine Clement individually and
on behalf of their minor child Grace Clement
vs. No. 23-4497
Lumen Health Care Plan, Lumen Employee Benefits
Committee and United Healthcare Services, Inc.

Dear Sirs:

Enclosed please find a citation and a certified copy of the petition I filed against you in the above-referenced matter arising out of the denial of my client's claims for health benefits. Failure to file responsive pleadings within thirty (30) days of receipt of this letter and the accompanying citation and petition may result in a judgment being rendered against you.

With kindest regards, I am

Very truly yours,

LAW OFFICES OF
STREET & STREET

BY: 

D. RANDOLPH STREET

DRS/sds/enc.



OPC.CV.7995772

LONG-ARM CITATION

**JAMES CLEMENT AND CORRINE
CLEMENT INDIVIDUALLY AND ON
BEHALF OF THEIR MINOR CHILD
GRACE CLEMENT
VS**

**LUMEN HEALTH CARE PLAN,
LUMEN EMPLOYEE BENEFITS
COMMITTEE AND UNITED
HEALTHCARE SERVICES INC**

**DOCKET NUMBER: C-20234497
SEC: CV2**

**STATE OF LOUISIANA
PARISH OF OUACHITA
FOURTH JUDICIAL DISTRICT COURT**

TO: UNITED HEALTHCARE SERVICES INC
VIA LONG ARM

YOU HAVE BEEN SUED.

Attached to this Citation is a certified copy of the Petition. The petition tells you what you are being sued for. You must EITHER do what the petition asks, OR, within THIRTY (30) days after the filing in the record of the affidavit of the individual who either mailed or actually delivered the process to you, you must file an answer or other legal pleadings in the Office of the Clerk of this Court at the Ouachita Parish Courthouse, 301 South Grand, Monroe, Louisiana. If you do not do what the petition asks, of if you do not file an answer or other legal pleading within the delays allowed by law, a judgment may be entered against you without further notice. This Citation was issued by the Clerk of Court for Ouachita Parish this DECEMBER 18, 2023.

OUACHITA PARISH CLERK OF COURT

Also attached are the following:
PETITION

Deputy Clerk of Court

REGULAR MAIL a certified copy of this Citation on this the DECEMBER 18, 2023, for mailing to UNITED HEALTHCARE SERVICES INC.
TO: D. RANDOLPH STREET#24666
508 NORTH 31ST STREET
MONROE, LA 71201



Deputy Clerk of Court

TRUE COPY

STATE OF LOUISIANA * PARISH OF OUACHITA * FOURTH DISTRICT COURT

JAMES CLEMENT AND CORRINE
CLEMENT, INDIVIDUALLY AND ON
BEHALF OF THEIR MINOR CHILD,
GRACE CLEMENT

VERSUS NO. _____

LUMEN HEALTH CARE PLAN, LUMEN
EMPLOYEE BENEFITS COMMITTEE
AND UNITED HEALTHCARE SERVICES, INC.

FILED:

Ouachita Parish
Filed Dec 12, 2023 2:34 PM

C-20234497
CV2

Scarlett Allen
Deputy Clerk of Court

DEPUTY CLERK OF COURT

PETITION

The petition of JAMES CLEMENT and CORRINE CLEMENT, husband
and wife, individually and on behalf of their minor child, GRACE CLEMENT,
respectfully represents:

1.

Made Defendants herein are:

1. LUMEN HEALTH CARE BENEFIT PLAN, an Employee Welfare Benefit Plan within the meaning of the Employee Retirement Income Security Act;
2. LUMEN EMPLOYEE BENEFITS COMMITTEE, the Plan Administrator of the LUMEN HEALTH CARE BENEFIT PLAN within the meaning of the Employee Retirement Income Security Act; and
3. UNITED HEALTH CARE SERVICES, INC., the Claims Administrator and/or *de facto* administrator of the LUMEN HEALTH CARE BENEFIT PLAN;

which Defendants are liable unto Plaintiffs for the following reasons:

2.

Plaintiffs JAMES CLEMENT and CORRINE CLEMENT are husband and wife. Their minor child, GRACE CLEMENT is issue of their marriage. At all pertinent times herein, Plaintiff JAMES CLEMENT was (and remains) employed with LUMEN TECHNOLOGIES and a "primary" participant and beneficiary in the LUMEN HEALTH CARE BENEFIT PLAN (hereinafter, at times referred to as "The Plan"), while his wife, CORRINE CLEMENT, and their minor children, including GRACE CLEMENT, are beneficiaries pursuant of The Plan pursuant to the "Dependent Coverage" provisions.

Albie Ellington



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3.

Plaintiffs show the **LUMEN HEALTH CARE BENEFIT PLAN** is an unfunded Employee Welfare Benefit Plan within the meaning of the Employee Retirement Income Security Act, 29 U.S.C. §1001, *et. seq.*, (ERISA) bearing Plan Number 512. Plaintiffs show The Plan has the capacity to sue and be sued for benefits owed by The Plan under the express terms of ERISA.

4.

Plaintiffs show the Plan Administrator of the **LUMEN HEALTH CARE BENEFIT PLAN** is the **LUMEN EMPLOYEE BENEFITS COMMITTEE**. Plaintiff shows the Plan Administrator has the capacity to sue and be sued under the express terms of ERISA.

5.

Plaintiffs show the Claims Administrator of the **LUMEN HEALTH CARE BENEFIT PLAN** is **UNITED HEALTH CARE SERVICES, INC.** Plaintiff shows the Claims Administrator, at all pertinent times herein and with respect to Plaintiffs' claims, exercised actual control over decisions of what benefits would or would not be paid by The Plan and, as a result, is subject to liability for any wrongful benefit denials.

6.

Plaintiffs show they were domiciled in Monroe, Ouachita Parish, Louisiana for a number of years while Plaintiff **JAMES CLEMENT** worked with **LUMEN TECHNOLOGIES** at its Monroe, Louisiana facilities. The claims made herein arise out of medical treatment and services rendered to Plaintiffs' minor child, **GRACE CLEMENT**, in 2021 in Louisiana (including in Ouachita Parish, Louisiana).

7.

Plaintiffs show on or about July 21, 2021, their minor child, **GRACE CLEMENT**, ingested an overdose of acetaminophen and was rushed to the emergency room at St. Francis Medical Center in the City of Monroe, Ouachita Parish, Louisiana.

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8.

At the emergency room at St. Francis Medical Center the level of acetaminophen in **GRACE CLEMENT**'s bloodstream was checked and found to be many times the therapeutic dose placing her at risk for severe liver damage or even death. The acetaminophen overdose protocol was initiated at the ER at St. Francis. This protocol calls for the administration of activated charcoal (Acetadote) in three separate administrations over a period of 21 hours.

9.

On July 21, 2021, **GRACE CLEMENT** was also in need of pediatric intensive care services which were not available at St. Francis Medical Center. Further, St. Francis Medical Center was at capacity and could not continue her care. Thus, St. Francis Medical Center staff could not hospitalize **GRACE**, could not provide her with the level of ICU care called for by her condition or provide psychiatric services. As a result, St. Francis Medical Center staff reached out to multiple healthcare facilities seeking to transfer **GRACE CLEMENT** for the care necessitated by her condition.

10.

Plaintiffs show Our Lady of the Lake Children's Hospital (hereinafter, OLOL) in Baton Rouge, Louisiana agreed to accept **GRACE CLEMENT** in transfer at approximately 7:00 p.m. on July 21, 2021. Due to the exigencies of the situation, OLOL requested that **GRACE** be transferred from St. Francis Medical Center in Monroe, Louisiana to OLOL in Baton Rouge by air.

11.

Plaintiff shows at the time of her transfer from St. Francis Medical Center in Monroe, Louisiana to OLOL in Baton Rouge, Louisiana, **GRACE CLEMENT** was still receiving IV Acetadote in accordance with the acetaminophen overdose protocol and was still in need of extensive monitoring of her heart rate, blood pressure, other vital signs and various blood levels. At the time of the transfer by air, she also remained in need of pediatric ICU services as well as psychiatric services not available at St. Francis Medical Center.

Chloe Ellington



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12.

GRACE CLEMENT arrived at OLOL by air at 12:21 a.m. on July 22, 2022. She completed the acetaminophen overdose protocol and was eventually medically cleared. Thereafter, she was transferred from OLOL to another facility.

13.

The air evacuation from St. Francis Medical Center to Our Lady of the Lake Children's hospital was effected by Acadian Ambulance air med at a cost of \$55,379.00. Defendants wrongfully refuse to pay the costs of this emergency medical transportation. Plaintiffs show the air med or air evacuation costs are properly payable under any reasonable interpretation of The Plan and that the denial of the claim by Defendants is wrongful and in direct violation of the provisions of The Plan.

14.

Plaintiffs show they made multiple requests in writing by facsimile and U.S. Mail (with certificates of mailing) to the address provided in Defendants' notices seeking documents and other information relevant to Plaintiffs' appeal, including records, documents and other material pertaining to the original denial and any rules, guidelines or protocols relied upon to make the original payment decisions and appeal decisions. Despite these requests, Plaintiffs received none of the requested documentation.

15.

Plaintiffs further show the Claims Administrator and/or Plan Administrator failed to respond to the inquiries made by Plaintiffs about the pending claim, failed to respond to requests for information about the appeal procedures and failed to indicate whether the extensive medical documentation submitted by Plaintiffs on the Second Level and External Reviews were utilized, considered or reviewed. Plaintiffs further show the Claims Administrator and/or Plan Administrator provided multiple confusing notices to Plaintiffs, ignored the requests for notice and information sent by Plaintiffs' counsel and directed requests for medical authorizations and benefit determination letters to Plaintiffs' minor child,

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Deputy Clerk Of Court



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GRACE CLEMENT, rather than to counsel for Plaintiffs. Plaintiffs show these slipshod, confusing and improper practices, coupled with the failure to provide the documents relevant to the appeals and/or the failure to consider the evidence submitted by Plaintiffs constitutes a denial of the full and fair review required by ERISA, thereby implicating *de novo* review in this Court.

16.

Plaintiffs show they pursued a "first level" appeal of the denial of claim for the air evacuation services, then a "second level" appeal of the denial and, finally, an "external review" of the denial, all in accordance with the provisions of The Plan and all to no avail. Plaintiffs show they received notice of the second level appeal denial in January 2023. The express terms of The Plan allow for the filing of appeals and legal actions until the last day of the twelfth (12) month following (1) the date the "adverse benefit determination" was issued to them, or (2) until the last day of the twelfth (12) month following the deadline for filing an appeal. Therefore, this action is timely. Plaintiffs further show Defendants extended the deadlines for filing appeals and legal actions for an additional twelve (12) months due to the COVID-19 pandemic. Once again the claims brought by Plaintiffs are timely.

17.

Plaintiffs request an award of reasonable attorney fees against Defendants for the prosecution of this matter and that Defendants be cast with all costs.

WHEREFORE, PLAINTIFFS PRAY that Defendants be duly served and cited with a copy of this Petition and required to appear and answer same, and after lapse of all legal delays, and after due proceedings had, there be judgment herein in favor of Plaintiffs **JAMES CLEMENT** and **CORRINE CLEMENT**, husband and wife, individually and on behalf of their minor child, **GRACE CLEMENT** and against Defendants the **LUMEN HEALTH CARE BENEFIT PLAN**, the **LUMEN EMPLOYEE BENEFITS COMMITTEE** and **UNITED HEALTH CARE SERVICES, INC.**, for the benefits and attorney fees sought herein and for all costs of these proceedings.

Chloe Ellington



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RESPECTFULLY SUBMITTED:

LAW OFFICES OF
STREET & STREET
ATTORNEYS FOR PLAINTIFF
508 NORTH 31ST STREET
MONROE, LOUISIANA 71201
TELEPHONE (318) 325-4418
FAX (318) 322-7656
EMAIL drandolphstreet@yahoo.com

BY: 

D. RANDOLPH STREET
BAR NO. 24666

PLEASE SERVE DEFENDANTS:

Please return one certified copy of citation and one
certified copy of this Petition to undersigned counsel for
service on Defendant **LUMEN HEALTH CARE BENEFIT PLAN**
under the Long Arm statute.

Please return one certified copy of citation and one
certified copy of this Petition to undersigned counsel for
service on Defendant **LUMEN EMPLOYEE BENEFITS COMMITTEE**
under the Long Arm statute.

Please return one certified copy of citation and one
certified copy of this Petition to undersigned counsel for
service on Defendant **UNITED HEALTH CARE SERVICES, INC.,**
under the Long Arm statute.





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